

Application No. 10/676,662
Response to Non-Final Office Action of July 10, 2008

REMARKS/ARGUMENTS

Claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 are currently pending. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

A. Rejection Of Claims 1, 4, 7, 9, 11, 14, 15, 18, 19, 21, 24, 25, 27-29, 31, and 34 Under 35 U.S.C. § 103(a)

The Examiner has maintained her rejection of claims 1, 4, 7, 9, 11, 14, 15, 18, 19, 21, 24, 25, 27-29, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Sayama USPN 5,759181 in view of Ames et al. (US Statutory Invention Registration H1674.) Applicants believe the Examiner's rejection is improper for the following reasons.

In the Non-Final Office Action mailed July 10, 2008 ("July '08 Action"), the Examiner states that "Sayama teaches the article can have a looped outer surface which serves to engage fastening component 15 in which case, the attachment panels 11 would not have a separately bonded fastening element." July '08 Action, ¶ 2. The Examiner similarly states that "Sayama teaches the outer surfaces may be made of nonwoven fabric so that the fastening component 15 may be interlocked with the nonwoven fabric (col. 3, lines 1-6)." Id. at ¶ 5.

Applicants respectfully assert that Sayama does not teach these things. The phrase "looped outer surface" does not exist in Sayama. Sayama nowhere states that the fastening component 15 may be "interlocked with" a "nonwoven fabric" of the "outer surfaces." The Examiner cites col. 3, lines 1-6, but those lines in no way make the disclosure stated by the Examiner. Although Sayama discloses at col. 3, lines 11-13 that the front and rear wings "may be formed by liquid-permeable or liquid-impermeable nonwoven fabric or plastic film[.]" Sayama is not clear whether such nonwoven fabric would be on the inner or the outer surface. In any event, Sayama says nothing about such nonwoven being adapted to engage a hook component. There are many types of nonwoven materials, many of which are ill-suited to engage conventional hook components, such as meltblown nonwovens, spunbond-meltblown-spunbond laminate nonwovens, and nonwovens having a high degree of bonding. Instead, as stated in previous responses, Sayama is entirely directed to the use of separately attached loop components. As such, Sayama cannot disclose and does not disclose a diaper in which "no separate fastening elements are bonded to the elastomeric nonwoven attachment panels" as presently claimed.

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In additional, the present claims are directed to absorbent article whose mechanical fastening component is disposed on the outer surface of the second or front waist region, and adapted to engage the inner attachment surface of the opposing attachment panel. Sayama teaches only the conventional configuration in which the hook fastener is attached to the inner surface of the rear waist region. See, e.g., col. 2, lines 19-25; claims 3 and 7. Applicants note that it would not be obvious to instead affix the hook components of Sayama to the outer surface; the entire purpose of the alleged invention of Sayama (covering a part of the hook with a protective sheet 18) is to alleviate the irritation caused by the stiff hook rubbing against the skin by virtue of it residing on the inner surface of the diaper and facing the body. The protective covering sheet provides a barrier between the hook (affixed to the inner surface of Sayama) and the skin. One cannot conclude that it would be obvious to interchange the position of the hook from inner surface to outer surface, because to do so would render moot the central purpose and teaching of Sayama. In direct contrast, Applicants' invention as presently claimed places the hook component on the outer surface of the article to alleviate skin irritation (see specification, page 2, lines 15-18).

In sum, Sayama is deficient for at least the above reasons.

B. Conclusion

The application now contains claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 which are believed to be in condition for allowance in view of the foregoing remarks.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Judy L. Halbrook, hereby certify that on October 9, 2008, this Response is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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Judy L. Halbrook

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Judy L. Halbrook